

DETERMINING A STUDENT'S DISTRICT OF RESIDENCE		Residence of Student				
		Residence of Birth Parents	Location of Court which Terminated Parental Rights	Residence of Adoptive Parents	Location of Student	Residence of Caretaker Relative
CUSTODIAN OF MINOR STUDENT	Birth Parents	MCA 1-1-215				
	State (Temporary custody; birth parent(s)' parental rights intact)	MCA 1-1-215 43 AGO 36 (1989)				
	State (Temporary custody; birth parent(s)' parental rights permanently revoked)		43 AGO 36 (1989)			
	Adoptive Parents			MCA 42-1-103 MCA 1-1-215		
	Caretaker Relative (When conditions in MCA 20-5-502 are met)					MCA 20-5-502
Non-Minor Student (18 Years of Age or Older)					MCA 1-1-215	

MCA 1-1-215. Residence -- rules for determining. Every person has, in law, a residence. In determining the place of residence, the following rules are to be observed: (1) It is the place where a person remains when not called elsewhere for labor or other special or temporary purpose and to which the person returns in seasons of repose. (2) There may be only one residence. If a person claims a residence within Montana for any purpose, then that location is the person's residence for all purposes unless there is a specific statutory exception. (3) A residence cannot be lost until another is gained. (4) The residence of an unmarried minor is: (a) the residence of the minor's parents; (b) if one of the parents is deceased or the parents do not share the same residence, the residence of the parent having legal custody; (c) if neither parent has legal custody, the residence of the legal guardian or custodian appointed by a court of competent jurisdiction; or (d) if the conditions in 20-5-502 are met, the residence of the caretaker relative. (5) In the case of a controversy, the district court has jurisdiction over which residence is the residence of an unmarried minor. (6) Except as provided in Title 20, chapter 5, part 5, and this section, the residence of an unmarried minor who has a parent living cannot be changed by either the minor's own act or an act of the minor's guardian. (7) The residence can be changed only by the union of act and intent.

